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IDAHO STATE BOARD
OF MEDICINE

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BEFORE THE IDAHO STATE BOARD OF MEDICINE

ORIGINAL

In the Matter of:

SCOTT FORWOOD, PTA,
License No. PTA-074,

Respondent.

Case No. 02-034

STIPULATION AND ORDER

COMES NOW the Idaho State Board of Medicine, hereinafter referred to as the Board, and Scott Forwood, PTA, hereinafter referred to as Respondent, and stipulate and agree as follows:

I

Respondent was the holder of an Idaho license to provide physical therapy services as a physical therapist assistant, License No. PTA-074, issued by the Idaho State Board of Medicine on November 9, 1995. Said licensure was cancelled for nonrenewal on June 30, 2002. Said licensure is subject to the provisions of Title 54, Chapter 22, Idaho Code, commonly known as the "Physical Therapy Practice Act" and IDAPA 22.01.05, "Rules for the Registration of Physical Therapists and Physical Therapist Assistants".

II

From approximately January 2000 to January 2001, Respondent was employed by Life Care, Boise, Idaho, as a physical therapist assistant to provide physical therapy services. From approximately January 2001 to September 2001, Respondent was

employed by Presbyterian Community Care Center, Ontario, Oregon, as a physical therapist assistant, providing physical therapy services in the rehabilitation section working primarily with the elderly. From approximately October 2001 until February 2002, Respondent was employed as a physical therapist assistant to provide physical therapy services in a nursing home in Meridian, Idaho.

On or about March 13, 2002, Respondent reported, in part, to the Board an act on August 3, 2001, which violated provisions of Title 54, Chapter 22, Idaho Code, and IDAPA 22.01.05:

From Jan. to Sept. 2001 I worked as a PT asst. under Glenn Dodge, at Presbyterian Community Care center in Ontario OR. In August of that year I was on my way to work when I stopped at a small store in Fruitland ID. called Pick and Pack. They rent adult videos at this store.

After browsing through the covers to the videos, I took one to the back of the store and masturbated. I was unaware that the store clerk witnessed the act and reported it to authorities. The store did press charges and I was prosecuted and sentenced to 5 days on a work crew and \$330.00 in fines, of which was served.

Respondent's act on August 3, 2001, resulted in a misdemeanor citation (Citation No. 0009371-00); the violation being listed as "Public Indecency, 9-3-2D (To Wit: Masturbate In Public Place)." On August 28, 2001, Respondent was served with a Complaint and Summons, #9371, by the Police Department of the City of Fruitland, the offense was listed as "M F-9-3-2 INDENCEY (MISDEMEANOR)". On September 10, 2001, Respondent pleaded guilty before Judge A. Lynn Krogh, 3rd Dist.Ct. ID, with judgment filed on September 10, 2001.

On April 2, 2002, Respondent was provided written notification that on "April 2, 2002, the Physical Therapy Advisory Committee (Committee) considered [his] e-mails, received March 13, 2002, and letter enclosing information, received March 28, 2002,

regarding 'an incident that took place last year.'" Respondent was advised the Committee, upon consideration, concluded additional information and requested information from his counselor regarding his diagnosis, treatment plan and prognosis relevant to his provision of physical therapy. He was also advised that, upon receipt of the requested information, the Committee would reconvene to conclude its deliberations and make a recommendation to the Board. Finally, Respondent was advised he may wish to consult his attorney in this matter.

On March 27, 2002, Respondent provided the below listed information to the board:

1. Letter, dated March 21, 2002, from Deputy Ginger Stigile, Office of Sheriff, Payette County, re. "there are no other contacts with Mr. Forwood listed" and served "5 days on a work crew";
2. Copy of Idaho Uniform Citation #9371-00;
3. Copy of the Judgment (Judgment No. 375) filed September 10, 2001 (Court's decision); and
4. Copy of Statement, Payette County Sheriff, of paying \$120.00 in fines.

Pursuant to Respondent's motion, a Withheld Judgment (No. 375), 3rd Dist.Ct. ID, was entered on April 3, 2002.

On April 19, 2002, Respondent was advised of the Committee's meeting on April 18, 2002, and the Committee's grave concern regarding his provision of physical therapy after pleading guilty to Public Indecency. Via regular and certified mail, Respondent was notified on June 12 and July 3, 2002, the Board, upon Committee recommendation, acted to request Respondent undergo psychological evaluation, including testing, relevant to his provision of physical therapy.

On November 13, 2002, the Board received Respondent's "Psychological Evaluation." Respondent's "Psychological Evaluation" reports he "has suffered from a

sexual addiction for most of his life"; "started using pornography on a periodic basis when he was 18"; and "approximately every six months or so has an arranged sexual encounter with a consenting adult," self-described as "dangerous". This "Psychological Evaluation" also recommends "he be allowed to function as a PTA under the close supervision of someone who knows his history."

Therefore, the Board received information from Respondent and various persons that Respondent suffers from a sexual addiction and, while he was employed as a physical therapist assistant providing physical therapy services, masturbated in a public place, i.e., convenience store; pleaded guilty to "Public Indecency, 9-3-2D (To Wit: Masturbate In Public Place)" a misdemeanor, and received a Judgment (No. 375) filed September 10, 2001 [Withheld 4/03/02] (3rd Dist.Ct. ID).

III

The acts and practices of Respondent, as alleged in Paragraph II above, constitute violations of provisions of Title 54, Chapter 22, Idaho Code, commonly known as the "Physical Therapy Practice Act" and IDAPA 22.01.05, "Rules for the Registration of Physical Therapists and Physical Therapist Assistants", in that he:

(1) Committed an act of sexual misconduct, i.e., masturbating in a public place, and pleaded guilty to "Public Indecency, 9-3-2D", relating to the practice of physical therapy as a physical therapist assistant, in violation of Idaho Code § 54-2218(1) and (10);

(2) Failed to adhere to the recognized standards of ethics of the physical therapy profession, i.e., masturbating in a public place, as published in the Board's administrative rules, in violation of Idaho Code § 54-2218 (12); and

(3) Failed to protect the public and the profession from an unethical and illegal act, i.e., masturbating in a public place, in violation of IDAPA 22.01.05.35 - Code of Ethics and Appendix B – Physical Therapist Assistant Code Of Ethics, Standard 7.

IV

The Board believes it has sufficient evidence to support disciplinary action based upon these allegations, but rather than pursuing a formal investigation and hearing, the parties are voluntarily agreeing to probationary conditions and are voluntarily entering into this Stipulation and Order for the purpose of informally responding to the concerns of the Board and for the purpose of providing an acceptable procedure for dealing with the alleged problems.

V

Respondent knowingly and voluntarily waives any right to a formal hearing, to present evidence, to cross-examine witnesses, to reconsideration and appeal and to other rights accorded him pursuant to the Administrative Procedure Act; Title 54, Chapter 22, Idaho Code, commonly known as the "Physical Therapy Practice Act"; IDAPA 22.01.05, "Rules for the Registration of Physical Therapists and Physical Therapist Assistants"; and the Rules of Practice and Procedure of the Board, which he might otherwise possess with respect to this Stipulation.

VI

In order to respond to these allegations, Respondent, upon reinstatement of his License No. PTA-074, issued by the Board on March ^{MM}28, 2003, hereby stipulates and agrees that:

- (1) Within ten (10) days after this Order is signed, Respondent shall provide

all employers, for whom he provides physical therapy services as physical therapist assistant, a copy of this Stipulation and Order. Respondent shall provide the Board with written proof of compliance with this paragraph, within fifteen (15) days after this Order is signed and within fifteen (15) days after changing employment.

(2) Respondent shall continue psychological treatment/counseling for his sexual addiction by a licensed psychiatrist/psychologist and provide the Board a written report every six (6) months with regard to his diagnosis, treatment plan and prognosis relevant to his provision of physical therapy. Respondent shall provide the Board with written proof of compliance with this paragraph, within fifteen (15) days after this Order is signed.

(3) Respondent shall notify the Board immediately in the event of a relapse of sexually inappropriate behavior relevant to his provision of physical therapy.

(4) Respondent shall be directly supervised and chaperoned in the room at the site for all physical therapy services and patient care by a licensed physical therapist. This licensed physical therapist shall be responsible for all physical therapy services and patient care given by Respondent. Respondent shall provide the Board with written proof of compliance with this paragraph, within fifteen (15) days after this Order is signed and within fifteen (15) days after changing employment.

(5) Respondent, upon employment or changing employment, as physical therapist assistant providing physical therapy services in Idaho, shall notify the Board. Such notification shall be made within fifteen (15) days after employment or changing employment and include the employer's name, business address and telephone.

(6) In the event that Respondent should leave Idaho for three (3) continuous

months, or reside or practice outside the State, Respondent must notify the Board in writing of the dates of departure and return. Periods of time spent outside Idaho will not apply to the reduction of this period under the Stipulation and Order.

VII

This Stipulation and Order shall remain in force for five (5) years from the last date of signature below. The above-described terms, limitations and conditions may be amended in writing at any time upon the agreement of both parties, however, this Stipulation and Order shall remain in force for a minimum of two (2) years prior to any request for termination.

VIII

If, in the discretion of the Idaho State Board of Medicine, Respondent appears to have violated or breached any terms or conditions of this Stipulation and Order, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Idaho occurring before the effective date of this Stipulation and Order.

IX

Any action initiated by the Board based on alleged violations of this Stipulation and Order shall comply with the Administrative Procedure Act; Title 54, Chapter 22, Idaho Code, commonly known as the "Physical Therapy Practice Act"; IDAPA 22.01.05, "Rules for the Registration of Physical Therapists and Physical Therapist Assistants"; and the Rules of Practice and Procedure of the Board.

X

Respondent agrees to execute a Release, in the form attached hereto as Exhibit

A, releasing the Idaho State Board of Medicine, Idaho Physical Therapy Advisory Committee and their members, employees, agents, officers, representatives, attorneys, consultants and witnesses, jointly and severally, from any and all liability arising from their participation or involvement in the Board's investigation of Scott Forwood, PTA, and in the prosecution of this disciplinary proceeding.

XI

This Stipulation and Order shall not be considered a public record as that term is used in the Idaho Code; provided however, this Stipulation and Order shall be provided by the Board to the Oregon Physical Therapist Licensing Board and to any licensing agencies who request information. This Stipulation and Order shall become effective upon the last date of signature below.

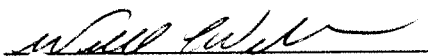
XII

Respondent further agrees to execute a Release, in the form attached hereto as Exhibit B, authorizing any person or entity having information relevant to Respondent's compliance with the provisions of this Stipulation and Order to release such information to the Board.

DATED This 24th day of March, 2003.

S.F.

THE IDAHO STATE BOARD OF MEDICINE



WENDELL L. WELLS, M.D.
Chairman

DATED This ~~10th~~ day of March, 2003.

S.F.
14th



SCOTT FORWOOD, PTA

ORDER

Pursuant to Idaho Code §§54-2205 (1) and (2), 54-2219 (1) and 54-2220 (2), the Board hereby accepts the terms and conditions of the foregoing Stipulation and it is hereby ordered that Respondent comply with said terms and conditions. Based upon the foregoing, further formal proceedings will be waived.

DATED This 24th day of March, 2003.

THE IDAHO STATE BOARD OF MEDICINE



WENDELL L. WELLS, M.D.
Chairman

RELEASE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, SCOTT FORWOOD, PTA, being of lawful age, for the sole consideration of the informal resolution of the pending disciplinary action by the Idaho State Board of Medicine, as may be recommended by the Idaho Physical Therapy Advisory Committee, and if so, is hereby acknowledged, does hereby release, acquit and forever discharge the Idaho State Board of Medicine, Idaho Physical Therapy Advisory Committee and their members, employees, agents, officers, representatives, attorneys, consultants and witnesses, jointly and severally, from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expense and compensation whatsoever which the undersigned now has or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen bodily, personal and emotional injuries and property damage and the consequences thereof resulting, or to result from, the Board's investigation, informal resolution and disciplinary proceedings against SCOTT FORWOOD, PTA.

It is understood and agreed that this settlement is the compromise of a disputed claim, and that the settlement made is not to be construed as an admission of liability on the part of the parties hereby released, and that said releasees deny liability therefor and intend merely to avoid litigation and buy their peace.

The undersigned hereby declares and represents that the damages sustained are or may be permanent and progressive and that recovery therefrom is uncertain and indefinite, and in making this release it is understood and agreed that the undersigned relies wholly upon undersigned's judgment, belief and knowledge of the nature, extent, effect and duration of said damages and liability therefor and is made without reliance upon any statement or representation of the parties released or their representatives or by anyone employed by them.

The undersigned further declares and represents that no promise, inducement or agreement not herein expressed has been made to the undersigned, and that this release contains the entire agreement between the parties hereto, and that the terms of this release are contractual and not a mere recital.

THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.



SCOTT FORWOOD, PTA

EXHIBIT A

RELEASE AGREEMENT APPROVED AS TO CONTENT AND FORM:

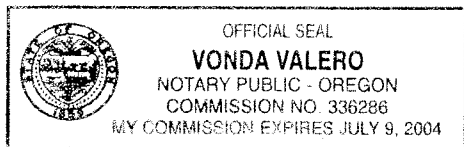
Attorney for SCOTT FORWOOD, PTA

_____, 2003
Date

STATE OF ~~IDAHO~~ Oregon
:ss
County of Malheur

On this 14th day of March, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared SCOTT FORWOOD, PTA, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Vonda Valero
NOTARY PUBLIC FOR ~~IDAHO~~ Oregon
Residing at: Nyssa, OR
My Commission Expires: July 9, 2004

EXHIBIT A

AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize and direct any institution, school, physician, employer or other person who has any information regarding my compliance with Stipulation and Order, Case No.: O2-034, of the Idaho State Board of Medicine, at any time to release any and all records, reports and/or information to the Idaho State Board of Medicine, to Jean R. Uranga, attorney for the Idaho State Board of Medicine, or to such other representative of the Idaho State Board of Medicine as may be designated, for examination and for copying thereof, upon request for such records, reports or information.

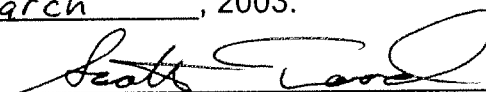
I further authorize any institution, school, physician, employer or other person who has such information to consult with or discuss such information with any of the above entities or persons.

I further consent that a photocopy of this Authorization may be used in lieu of the original hereof and shall be considered valid for the shorter of the time in which the Stipulation and Order is in effect or five (5) years from the date of my signature below.

Upon my own knowledge and with legal consultation, I understand the nature of this Authorization for Release of Information with regard to my licensure and provision of physical therapy services as a physical therapist assistant in Idaho.

I, and my heirs, do hereby release the Idaho State Board of Medicine, Idaho Physical Therapy Advisory Committee and its members, attorneys, representatives, employees and agents, from all liability and all claims of any nature whatsoever pertinent to the records and information released.

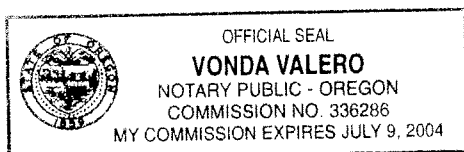
DATED This 14th day of March, 2003.


SCOTT FORWOOD, PTA,

STATE OF ~~IDAHO~~ Oregon
:ss
County of Malheur

On this 14th day of March, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared SCOTT FORWOOD, PTA, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



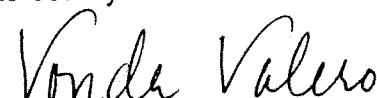

NOTARY PUBLIC FOR ~~IDAHO~~ Oregon
Residing at: Nyna, Oregon
My Commission Expires: July 9, 2004

EXHIBIT B

CERTIFICATE OF SERVICE

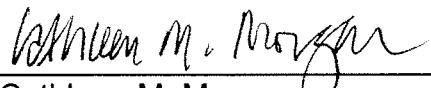
I HEREBY CERTIFY That on this 3rd day of April, 2003, I served a true and correct copy of the within and foregoing STIPULATION AND ORDER, Case No.: 02-034 entered by the Board on March 28, 2003, by the method indicated below, and addressed to each of the following:

Scott Forwood, PTA
2094 Newman Lane
Payette, Idaho 98331

☐ by U.S. mail
☐ by hand delivery
☐ by facsimile
☒ by Certified Mail (No: 7000 1670
0011 3316 4071)

Jean Uranga, Esq.
URANGA & URANGA
714 North Fifth Street
P.O. Box 1678
Boise, Idaho 83701
Fax: (208) 384-5686

☒ by U.S. mail
☐ by hand delivery
☐ by facsimile
☐ by Certified Mail


Cathleen M. Morgan